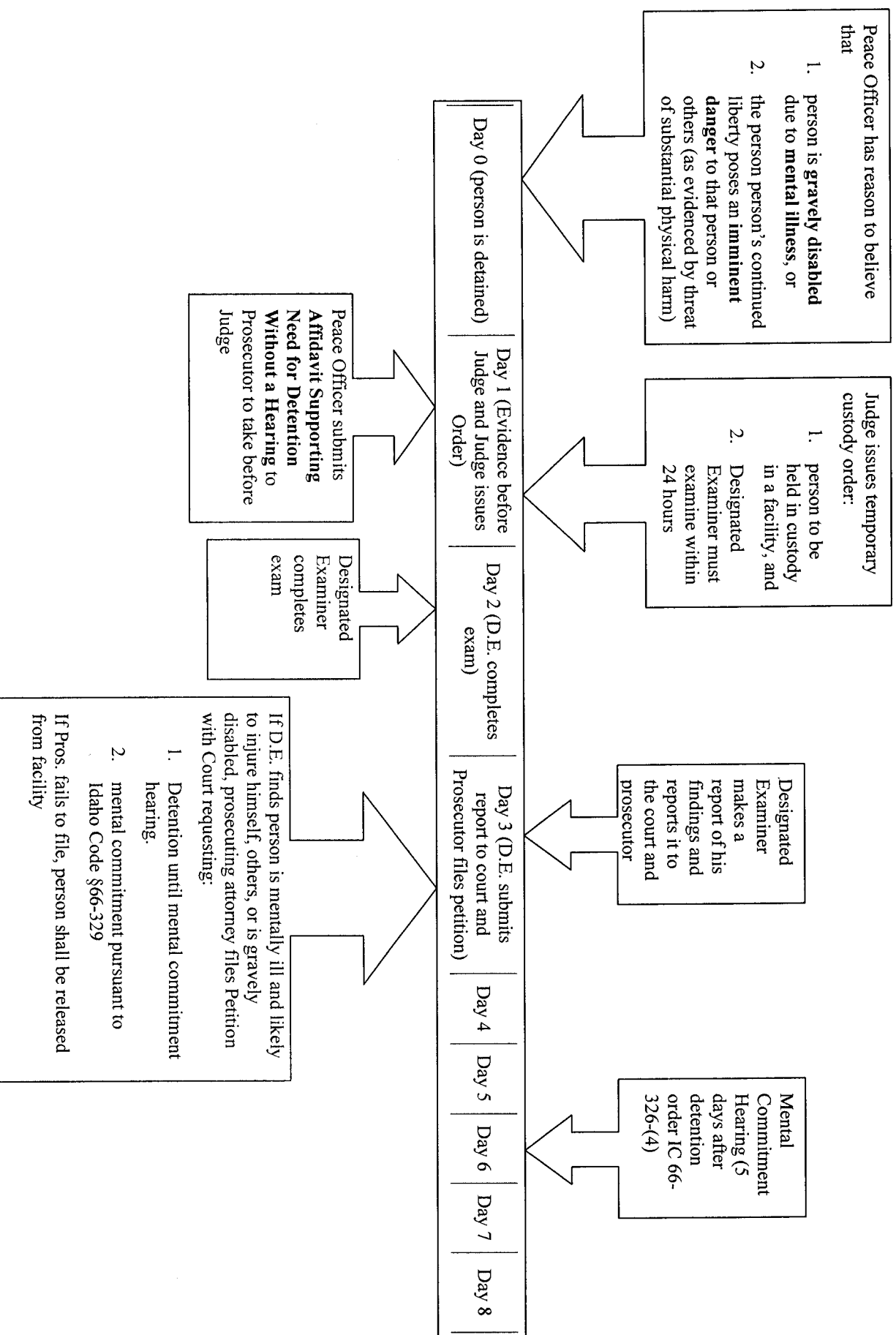


Detention without a Hearing

See Idaho Code §66-326



IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM;
 MAGISTRATE DIVISION

2011 OCT 18 AM 8:48

CASE #
 SARA STAUB CLERK

IN THE MATTER OF THE
 INVOLUNTARY HOSPITALIZATION
 AND TREATMENT OF:

BY _____ DEPUTY
**AFFIDAVIT SUPPORTING THE
 NEED FOR DETENTION WITHOUT
 A HEARING**

 Proposed Patient.

11-2011

I, _____, a Peace Officer or Physician, have taken the above
 named person into custody per Idaho Code §66-326(1) as an alleged emergency patient as of (DATE)
 _____ at (TIME) _____ because I have reason to believe that
 he/she is:

[] gravely disabled due to mental illness as evidenced by:

☒ the person's continued liberty poses an imminent danger to that person or others, as evidenced by:

Increased suicidal ideations, specific plan to jump
into traffic, multiple history of suicide attempts

[] The Proposed Patient is currently detained at the _____.

☒ A transport order will be necessary in order to transport the proposed patient to the appropriate
 facility: _____.

I understand that this hold will expire in twenty-four (24) hours including weekends and holidays
 unless the court orders a temporary custody order requiring the person to be held in a facility and
 requiring an examination of the person by a designated examiner per Idaho Code §66-326(2).

I declare under the penalty of perjury that the following is true and correct.

DATED this 17th day of October, 2011.

 Peace Officer or Physician

MD

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM
MAGISTRATE DIVISION

IN THE MATTER OF THE
INVOLUNTARY HOSPITALIZATION
AND TREATMENT OF:

Proposed Patient.

Case No.: CV-2011 - _____

TEMPORARY CUSTODY ORDER

MAGISTRATE DIVISION
SEVENTH JUDICIAL DISTRICT
COUNTY OF BINGHAM
FILED 10-13-11
By [Signature] Deputy

This Court, having been presented with evidence supporting a claim hereby finds that:

☒ the Proposed Patient has been taken into custody and detained as an alleged emergency patient for observation, diagnosis, evaluation, care or treatment of mental illness pursuant to Idaho Code §66-326 and:

☒ the Proposed Patient is gravely disabled due to a mental illness; and/or

☒ the Proposed Patient poses an imminent danger to himself/herself and/or others.

It is hereby ordered that the Proposed Patient be held in a facility for observation, diagnosis, evaluation, care or treatment of a mental illness; provided, however, that the Proposed Patient shall not be detained in a nonmedical unit used for the detention of individuals charged with or convicted of penal offenses.

It is further ordered that the Proposed Patient be examined by a designated examiner within twenty-four (24) hours of the entry of this order. The designated examiner shall make his/her findings and report to the Court within twenty-four (24) hours of the examination.

This order shall constitute continuing authority for the Sheriff of Bingham County or any other local law enforcement agency, to transport the Proposed Patient to and from any appropriate facility.

DATED this 18 day of Oct, 2011.

[Signature]
Magistrate Judge

Patient to be transported to: _____

Contact Person: _____

Telephone Number: _____

MAGISTRATE DIVISION
DISTRICT COURT
SEVENTH JUDICIAL DISTRICT
BINGHAM COUNTY, IDAHO

CASE #
SARA STAUB CLERK

BY _____ DEPUTY

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM

Case No: CV- 2011-

Propose Patient.

Said appointed examiner is to make a personal examination of the Proposed Patient within 24 hours of the entry of the order of the court. Said appointed examiner shall make his/her findings and report to the Court within 72 hours of the examination.

DATED this 18 day of Oct, 2011.


Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on the 18 day of October, 2011, I served a true and correct copy of the foregoing upon the following persons in the manner indicated:

Mark V. Cornelison
Deputy Prosecuting Attorney
501 North Maple #302
Blackfoot, Idaho 83221

- ☐ first class mail
- ☐ hand delivery
- ☒ designated courthouse box
- ☐ fax

Manuel T. Murdock

- ☐ first class mail
- ☐ hand delivery
- ☒ designated courthouse box
- ☐ fax

SARA J. STAUB, CLERK

(seal)



Deputy Clerk

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM

MAGISTRATE DIVISION

2011 OCT 19 PM 1:47

CASE
SARA STAUB CLERK
BY SC DEPUTY

In the Matter of the Hospitalization of)

) Case No: CV-2011-

DOB:)

S.S.N:)

Patient.)

) ORDER FOR TRANSPORT, NOTICE OF
) COMMITMENT HEARING, AND
) APPOINTMENT OF PUBLIC DEFENDER
) (I.C. § 66-326).

TO: ANY HEALTH OFFICER, PEACE OFFICER, OR FACILITY DIRECTOR IN BINGHAM COUNTY,
IDAHO

WHEREAS a Temporary Custody Order has been issued and a Designated Examiner has found the above-named proposed patient is mentally ill, and either is likely to injure him/her self or others or is gravely disabled due to mental illness;

IT IS ORDERED that, pursuant to Idaho Code § 66-326(4), the above-named patient be involuntarily detained in a facility or hospital to await the commitment hearing which shall be within five (5) days (including Saturdays, Sundays, and legal holidays) of the issue of the Temporary Custody Order.

NOTICE IS HEREBY GIVEN that on the **Thursday, October 20, 2011,**
at the hour of 11:00 AM, at the Bingham County Courthouse, 501 N. Maple, Blackfoot, Idaho, shall be the time and place for the Hearing.

IT IS FURTHER ORDERED, that the Bingham County Sheriff's Office shall transport above-named patient to the Bingham County Courthouse located at 501 N. Maple, Blackfoot, ID 83221, for mental commitment proceedings set on the date and time listed above.

THE COURT hereby gives notice that the above-named patient has the right to be represented by an attorney, or, if indigent, to be represented by a court-appointed attorney.

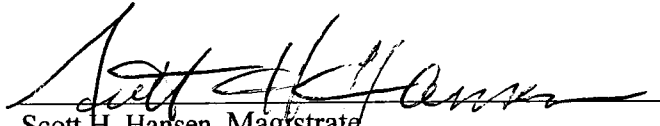
ORDER FOR TRANSPORT, NOTICE OF COMMITMENT HEARING AND
APPOINTMENT OF PUBLIC DEFENDER (I.C. §66-326)

IT IS FURTHER ORDERED that the Bingham County Public Defender is appointed to represent the above-named patient in all matters pertaining to this action, pursuant to its contract with Bingham County to provide legal services for indigent persons. Said appointment may be subject to reimbursement should the above-named patient be found not to be indigent.

IT IS FURTHER ORDERED THAT any hospital, physician, psychiatrist, designated examiner, Department of Health & Welfare, facility, or any other person, organization or institution that has or will provide any services on the patient's behalf during the course of these proceedings, shall submit therefore bills or invoices of sufficient detail to the Director of Indigent Services of the above-named patient's county of residence no later than fifteen (15) calendar days after the date of this Order. The deputy clerk of this court is directed to without delay fax a copy of this Order to said institutions and providers known at the time of this Order or which may become known during these proceedings.

NOTICE IS HEREBY GIVEN THAT payment for the costs associated with the proceedings in this matter shall be determined pursuant to Idaho Code § 66-327(a).

DATED this 19th day of October, 2011.


Scott H. Hansen, Magistrate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 19th day of October, 2011, I caused a true a correct copy of the foregoing ORDER FOR TRANSPORT, SETTING COMMITMENT HEARING AND APPOINTMENT OF PUBLIC DEFENDER to be served to the following:

☒ Interdepartmental Mail

BINGHAM COUNTY PROSECUTOR'S OFFICE

☒ Interdepartmental Mail

BINGHAM COUNTY PUBLIC DEFENDER

☐ U.S. Mail

(patient)

☐ Certified Mail

☐ Telecopy (FAX)

☒ Interdepartmental Mail

BCSO – TRANSPORT

☐ Interdepartmental Mail

☐ U.S. Mail

☐ Certified Mail

☒ Telecopy (FAX)

☒ BEHAVIOR HEALTH SERVICES

~ 239-3665

☐ BEHAVIOR HEALTH CENTER

~ 227-2360

☐ SAFE HAVEN

232-5654

☐ CANYON VIEW HOSPITAL

734-6764

CHERI WYATT

Department of Health & Welfare – Mental Health

Fax: 208-528-5746

☒ Telecopy (FAX)


Deputy Clerk

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM
MAGISTRATES DIVISION

In the Matter of the Hospitalization of)	
)	CV-2011-
DOB:)	
S.S.N:)	ORDER OF COMMITMENT AND
Patient.)	FIXING COSTS
_____)	
)	

Proceedings for the involuntary commitment, care, and treatment of the above-named patient, alleged to be mentally ill pursuant to Idaho Code § 66-326 and/or § 66-329, have been initiated by a written application dated and filed with this Court on .

A hearing was ordered and held on the Thursday, October 20, 2011 , the Honorable Charles L. Roos presiding; with Mark V. Cornelison, Deputy Bingham County Prosecuting Attorney, and/or the applicant appearing, and Manuel Murdoch, Bingham County Public Defender, attorney of record appearing on behalf of the patient .

Upon completion of the hearing and consideration of the record, THE COURT FINDS THE FOLLOWING by clear and convincing evidence;

1. The above-named patient ☐ *is not mentally ill* or ☐ *is mentally ill* and, because of such condition,
 - a. ☐ The patient is likely to injure him/her self; or
 - b. ☐ The patient is likely to injure others; or
 - c. ☐ The patient is gravely disabled due to mental illness.
2. The said patient's mental illness is classified as _____.
3. The said patient lacks insight to make informed decisions about treatment and, as such, the treating facility may deny the patient's right to refuse specific modes of treatment, pursuant to Idaho Code § 66-346.
4. The patient's county of residence is _____ County, Idaho.
5. ☐ The above-named patient *does not appear to have* income and resources with which to pay the bills incurred and is, therefore, indigent. Or, ☐ the above-named patient *appears to have* income and resources with which to pay the bills incurred.
6. The said patient's spouse, guardian adult next-of-kin or friend is _____.

7. The patient is a person to whom the provisions of 18 U.S.C. 922(d)(4) and (g)(4) apply.

NOW, THEREFORE, IT IS HEREBY ORDERED that the said patient is committed to the custody of the Director of the Idaho Department of Health and Welfare for observation, care, and treatment for an indeterminate time period not to exceed one (1) year.

IT IS FURTHER ORDERED that upon the commitment of the above-named patient, if the Director of the Department of Health and Welfare, through his/her dispositioner, should disposition the above-named patient to an outpatient commitment, pursuant to Idaho Code § 66-329(12), the following apply:

This Commitment Order constitutes a continuing authorization for Law Enforcement to transport the above-named patient to a designated facility for inpatient observation, care and treatment, upon the request of the Director of the Department of Health and Welfare through his/her dispositioner.

The Director of the Department of Health and Welfare, through his/her dispositioner, may request transport of the above-named patient only if the said patient is failing to adhere to the terms and conditions of outpatient treatment or the patient refuses outpatient treatment after reasonable efforts at compliance have been made, or outpatient treatment is not effective after reasonable efforts have been made. The Director of the Department of Health and Welfare, through his/her dispositioner and within forty-eight (48) hours (excluding weekends and holidays) of the above-named patient's transfer from outpatient treatment to a facility for inpatient treatment, shall notify the Court, the above-named patient's attorney, and either the above-named patient's spouse, guardian, adult next-of-kin, or friend of the change in disposition and provide a detailed affidavit reciting the facts and circumstances supporting the transfer from outpatient treatment to inpatient treatment at a facility.

IT IS FURTHER ORDERED that

- ☐ The patient shall be responsible for costs pursuant to Idaho Code § 66-327(a). Or,
☐ The County of the Patient's residence, _____ County, Idaho, shall be responsible for costs pursuant to Idaho Code § 66-327(a).

IT IS FURTHER ORDERED that the deputy clerk of this court shall without delay forward a copy of this Order to the Director of Indigent Services of the above-named patient's county of residence, and forward a copy of this Order to the Idaho State Police pursuant to I.C. § 66-356.

IT IS FURTHER ORDERED that any hospital, physician, psychiatrist, designated examiner, Department of Health & Welfare, facility, or any other person, organization or institution that has or will provide any services on the patient's behalf during the course of these proceedings, shall submit therefore bills or invoices of sufficient detail to the Director of Indigent Services of the above-named patient's county of residence no later than fifteen (15) calendar days after the date of this Order. The deputy clerk of this court is directed to without delay fax a copy of this Order to said institutions and providers known at the time of this Order or which may become known during these proceedings.

DATED this ____ day of _____, ____.

Magistrate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the _____ day of _____, 20____, I caused a true and correct copy of the foregoing ORDER OF COMMITMENT AND FIXING COSTS to be served on the following:

BINGHAM COUNTY PROSECUTOR'S OFFICE

CHERI WYATT fax: 208-528-5746

IDAHO STATE POLICE fax: 208-884-7193

Atn/Kathleen Blades

BINGHAM COUNTY PUBLIC DEFENDER

INDIGENT SERVICES

____ courthouse box

____ faxed

____ faxed

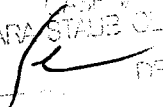
____ courthouse box

____ hand delivered

Deputy Clerk

CLERK OF DISTRICT COURT
SEVENTH JUDICIAL DISTRICT
BINGHAM COUNTY, IDAHO

2010 JUL 21 AM 11:51

CLERK OF DISTRICT COURT
SARA STAUB CLERK
BY  DEPUTY

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM
MAGISTRATE DIVISION

IN THE MATTER OF THE
HOSPITALIZATION OF:

)
) Case No.: C'
)
)

) ORDER OF ABEYANCE
)
)

Proposed Patient.
)
)
_____)

FINDINGS

The parties in this matter appeared before this Court on the day of ,
and represented that they had entered into a verbal agreement that the matter be held in
abeyance for thirty (30) days pursuant to Idaho Code §66-329(11). Upon the proposed
patient's successful completion of this abeyance and its conditions, the prosecutor's
office will withdraw its petition in the matter.

The parties shall have five (5) days to present any objections to this order; after
that time, this order will become final.

ORDER

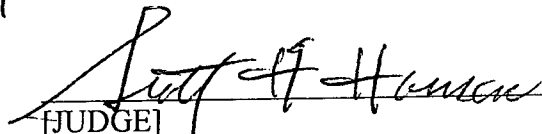
IT IS HEREBY ORDERED that this matter shall be held in abeyance for a period
of thirty (30) days.

IT IS HEREBY FURTHER ORDERED that the patient shall comply with the
following conditions as discussed in the hearing:

1. That proposed patient follow up with outpatient treatment and attend all
scheduled counseling meetings with Adult Mental Health, counselors, mental
health professionals, or physicians as they may be required, and
2. That proposed patient refrain from alcohol.

IT IS HEREBY FURTHER ORDERED that the Bingham County Prosecutor's Office review this matter one (1) month from the date of this order and dismiss its petition for a mental commitment in this matter as long as the aforementioned conditions are met.

Dated this _____ day of, May, 2010.


[JUDGE]
Magistrate

CERTIFICATE OF SERVICE

I certify that on the 20 day of May, 2010, I caused to be served a true and correct copy of the foregoing documents upon the following person(s) in the manner(s) indicated:

Mark Cornelison
Deputy Prosecuting Attorney
501 North Maple #302
Blackfoot, Idaho 83221

() first class mail
() hand delivery
(☒) designated courthouse box
() fax

Manuel Murdoch
Attorney at Law
P.O. Box 700
Blackfoot, Idaho 83221

() first class mail
() hand delivery
(☒) designated courthouse box
() fax

SARA J. STAUB, CLERK

(seal)

BY: 

Deputy Clerk

2010 AUG 23 PM 3:43

CASE #
SARA STAUB CLERK
BY DEPUTY

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM
MAGISTRATE DIVISION

MOTION TO DISMISS

COMES NOW, Mark V. Cornelison, Deputy Bingham County Prosecuting Attorney, and hereby moves the Court to dismiss the petition for involuntary care and treatment of _____ filed in this matter. This matter was taken into abeyance for thirty (30) days by the court on July 20, 2010. During those thirty days, _____ has received treatment and care which negates the necessity of an involuntary commitment.

Mark V. Cornelison
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

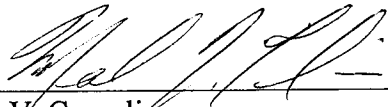
I certify that on the 23 day of August, 2010, I caused to be served a true and correct copy of the foregoing document upon the following person(s) in the manner(s) indicated:

Manuel Murdoch
Attorney at Law
P.O. Box 700
Blackfoot, Idaho 83221

() first class mail
() hand delivery
(☒) designated courthouse box
() fax

Adult Mental Health
P.O. Box 129
Blackfoot, Idaho 83221

(☒) first class mail
() hand delivery
() designated courthouse box
() fax



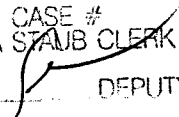
Mark V. Cornelison

J. SCOTT ANDREW ISB #4824
Bingham County Prosecuting Attorney
501 North Maple #302
Blackfoot, Idaho 83221
Telephone: 208-782-3101

MARK V. CORNELISON ISB# 7682
Deputy Prosecuting Attorney

WASATCH COUNTY
DISTRICT COURT
SEVENTH JUDICIAL DISTRICT
BINGHAM COUNTY, IDAHO

2010 AUG 25 AM 10:19

CASE #
SARA STAUB CLERK
BY  DEPUTY

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM
MAGISTRATE DIVISION

IN THE MATTER OF THE
INVOLUNTARY CARE AND
TREATMENT OF:

)
) Case No. CV-
)
)
)
)
)
)
)
)
)
)

ORDER OF DISMISSAL

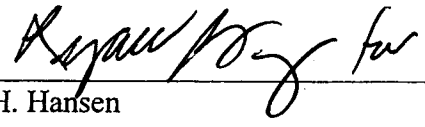
Proposed Patient.

)
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)

The Court having before it Petitioner's Motion to Dismiss and good cause appearing for the granting of the dismissal; therefore,

IT IS HEREBY ORDERED the Application for Involuntary Care and Treatment of a Mentally Ill Person is hereby dismissed.

DATED this 25 day Aug, 2010.



Scott H. Hansen
Magistrate

ORDER OF DISMISSAL

CERTIFICATE OF SERVICE

I certify that on the 15 day of August, 2010, I caused to be served a true and correct copy of the foregoing documents upon the following person(s) in the manner(s) indicated:

Mark V. Cornelison
Deputy Prosecuting Attorney
501 North Maple #302
Blackfoot, Idaho 83221

☐ first class mail
☐ hand delivery
☒ designated courthouse box
☐ fax

Manuel Murdoch
Attorney at Law
P.O. Box 700
Blackfoot, Idaho 83221

☐ first class mail
☐ hand delivery
☒ designated courthouse box
☐ fax

SARA J. STAUB, CLERK

(seal)

BY: 

Deputy Clerk

ORDER OF DISMISSAL

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 447

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO FIREARMS, EXPLOSIVES AND OTHER DEADLY WEAPONS; AMENDING CHAPTER 33, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3302K, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR OBTAINING RELIEF FROM THE PROHIBITION TO POSSESS OR RECEIVE FIREARMS DUE TO MENTAL HEALTH STATUS; AND AMENDING SECTION 67-3003, IDAHO CODE, TO PROVIDE ADDITIONAL DUTIES OF THE IDAHO STATE POLICE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 33, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-3302K, Idaho Code, and to read as follows:

18-3302K. RELIEF FROM PROHIBITION TO POSSESS OR RECEIVE FIREARMS -- MENTAL HEALTH STATUS. (1) Any person who is prohibited from receiving or possessing a firearm pursuant to 18 U.S.C. section 922(d)(4) or (g)(4) or state law or as a result of being involuntarily committed in this state to a facility pursuant to section 16-2418, 18-212, 66-329 or 66-406, Idaho Code, may petition the magistrate court in each county in which any commitment was issued for relief from such prohibition.

(2) Such petition shall be verified by the petitioner and at a minimum contain the following:

(a) Evidence that the petitioner is not a danger to himself or to others;

(b) Evidence of the petitioner's criminal and mental health history and record and that the petitioner does not have a criminal charge pending nor is knowingly under criminal investigation for a crime punishable by imprisonment for a term exceeding one (1) year;

(c) Evidence of the petitioner's character and reputation in the community;

(d) A certified copy of the judgment or adjudication that is the basis for the prohibition; and

(e) Proof of service of such petition upon the county prosecuting attorney for the county in which the petition is filed.

(3) If the court determines that the petition is not sufficient, the court shall notify the petitioner and shall grant a reasonable time to correct the deficiencies. Upon reviewing the petition and finding it sufficient, the court shall order the petitioner to undergo, at the petitioner's expense, an evaluation and risk assessment by a licensed psychologist, psychiatrist or designated examiner approved by the court. Upon receipt of the report of the evaluation and risk assessment, the court shall set a hearing on the petition. The court shall provide reasonable notice of the hearing to the petitioner and to the county prosecuting attorney.

1 (4) At a hearing on the petition, the court shall receive evidence on
2 the record from the petitioner and the state concerning the following:

3 (a) The dangers, if any, posed to public safety by the petitioner;

4 (b) The circumstances regarding the firearms prohibition imposed on
5 the petitioner by 18 U.S.C. section 922(g)(4);

6 (c) The petitioner's criminal and mental health history and records;

7 (d) The petitioner's reputation as developed through character
8 witnesses or other character evidence; and

9 (e) The public's interest in granting or denying the relief requested.

10 (5) After the hearing on the petition, the court shall consider the
11 evidence presented and issue a written decision. The requested relief
12 shall be granted if the court finds upon proof by clear and convincing
13 evidence that the petitioner is not likely to act in a manner dangerous to
14 public safety and that the granting of such relief is not contrary to the
15 public interest. The court's order shall stipulate that any relief granted
16 shall not be effective until the time for an appeal period has expired.
17 Concurrent with an order granting relief from the prohibition, the court
18 shall order that, after the expiration of the period for appeal, the national
19 instant criminal background check system be informed that relief from the
20 prohibition has been granted and no longer applies.

21 (6) Either the petitioner or the state may appeal the decision of the
22 court under the procedures established by rule 83 of the Idaho rules of civil
23 procedure. The appeal shall be heard de novo on all issues of law and fact.

24 SECTION 2. That Section 67-3003, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 67-3003. DUTIES OF THE DEPARTMENT. (1) The department shall establish
27 a bureau of criminal identification to:

28 (a) Serve as the state's central repository of criminal history
29 records;

30 (b) Conduct criminal background checks as authorized by law or rule and
31 provide fingerprint identification services;

32 (c) Obtain and electronically file information relating to in-state
33 stolen vehicles and in-state wanted persons;

34 (d) Establish and maintain an automated fingerprint identification
35 system;

36 (e) Establish a uniform crime reporting system for the periodic
37 collection and reporting of crimes, and compile and publish statistics
38 and other information on the nature and extent of crime in the state;

39 (f) Maintain, pursuant to department rule, other identification
40 information, which may include, but is not limited to, palm prints and
41 photographs;

42 (g) Cooperate with other criminal justice agencies of the state, state
43 and federal courts, the criminal records repositories of other states,
44 the federal bureau of investigation criminal justice information
45 services, the national law enforcement telecommunications system,
46 and other appropriate agencies and systems, in the operation of an
47 effective interstate and national system of criminal identification,
48 records and statistics; ~~and~~

1 (h) Develop and implement a training program to assist criminal justice
2 agencies with the recordkeeping and reporting requirements of this
3 chapter; and

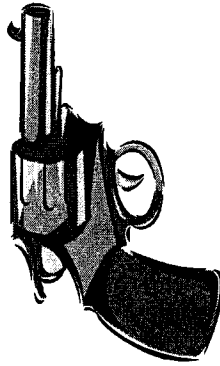
4 (i) Obtain and electronically transmit to the national instant
5 criminal background check system (NICS) in accordance with federal law
6 information relating to eligibility to receive or possess a firearm
7 pursuant to state or federal law. Upon notification to the department
8 that the basis for which any such information previously transmitted to
9 the NICS does not apply or no longer applies, the department shall, as
10 soon as practicable, notify the NICS of such change and shall update,
11 correct, modify or remove such information from the NICS database.

12 (2) In accordance with chapter 52, title 67, Idaho Code, the department
13 may adopt rules necessary to implement the provisions of this chapter. Rules
14 relating to information maintained and reported by the court shall be made
15 after consultation with and approval by the Idaho supreme court.

1-2-3 Case Processing

RELIEF FROM FIREARMS DISABILITIES:

House Bill 631 – Legislation 2010 creates a provision by which a person who, due to previous findings of the court, would not be able to "ship, transport, possess, or receive any firearms or ammunition and to make immediate arrangements for the disposition of any firearms or ammunition owned or possessed by the individual" a course of action to petition the court for relief from that imposition.



1- Case Creation & Service

The filing attorney, person or agency will file the petition with the court that issued such order, OR the district Court of the county where the individual resides, for relief from the order and to remove the person's firearms-related disabilities.

Filing Fee Code: A14

Amount: \$ 88.00

New Subtype assigned: "HR" Hospitalization Relief. "RD" Relief/Disability (many of the cases involved where relief is sought are "HO" Hospitalization cases, but not all.

The petition submitted by the petitioner must list the county and the case number from which relief is being requested. A separate petition and fee must be submitted for each order (case) the applicant is asking for relief from.

The applicant shall provide a copy of the petition to be served on the director of the Department of Health and Welfare, and on the prosecuting attorney of the county

in which the original order, appointment or finding occurred, and shall arrange for service of the documents. Proof of service will be provided by the applicant to the court.

2- The Case

The court will receive and consider evidence in the matter and appropriate findings will be made by the court including an order granting the relief, or a denial.

The court will file a copy of the findings in the case from which the relief was being requested.

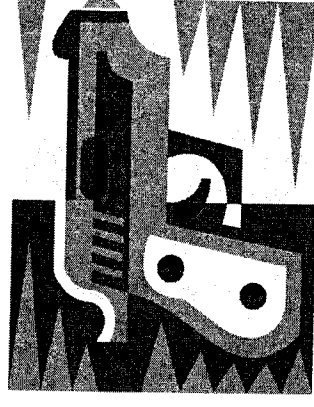
The dispositional findings either denying the petition or granting it will be entered by the court clerk in the current petition for relief case, and in the underlying original case. The case will be closed.

If the petition is granted the clerk shall immediately forward a copy of the order to the Idaho State Police, which shall immediately forward a copy to the FBI and NICS systems.

A new petition may be filed for relief on a case no more frequently than once every two (2) years.

Idaho Supreme Court

Relief From Firearms Disability Cases 7/1/2010



1-2-3 Clerical Case Processing

Phone: 208-334-2850

NOTE:

A petitioner may file for relief from any of the following types of orders:

Orders of Commitment pursuant to section 66-329, Orders of treatment pursuant to section 66-406, Orders appointing a guardian pursuant to section 66-322, Orders appointing a conservator pursuant to 66-404, Orders appointing a guardian and conservator pursuant to 66-404, A finding of the court that the petitioner is incompetent to stand trial pursuant to 18-212.

I.S.C.

Idaho Supreme Court
451 W. State St.
PO Box 83720
Boise, Id 83720-0101

208-334-2850
Fax: 208-947-7429



3- Appeal after disposition.

The court findings may be appealed. The review or appeal shall be "de novo".

Additional Info:

Specific documents are being developed at this time which will assist the court in tracking when the disability is ordered on a case and when the court grants or denies the petition for relief of the former order.

The following ROA codes are anticipated:

FDRO- Firearms Disability Restrictions Ordered.

FDPG- Firearms Disability Relief Petition Granted

FDPD- Firearms Disability Relief Petition Denied

Copies of these documents will be forwarded to the court as quickly as possible if not included with this informational sheet.



Notice of Suspension for Failure of Evidentiary Testing

(Advisory for Sections 18-8002 and 18-8002A, Idaho Code)

DR# _____

Issued To:

Last Name First Middle Date of Birth

Mailing Address

City State Zip

County of Arrest

Date of Arrest

Time of Arrest

Driver's License Number

State

License Class

Citation #

Operating CMV? ☐ Yes ☐ No

Transporting Hazmat? ☐ Yes ☐ No

Suspension Advisory

- I have reasonable grounds to believe that you were driving or were in physical control of a motor vehicle while under the influence of alcohol, drugs, or other intoxicating substances. You are required by law to take one or more evidentiary test(s) to determine the concentration of alcohol or the presence of drugs or other intoxicating substances in your body. After submitting to the test(s) you may, when practical, at your own expense, have additional test(s) made by a person of your own choosing. You do not have the right to talk to a lawyer before taking any evidentiary test(s) to determine the alcohol concentration or presence of drugs or other intoxicating substances in your body.
- If you refuse to take or complete any of the offered tests pursuant to Section 18-8002, Idaho Code:
 - You are subject to a civil penalty of two hundred fifty dollars (\$250).
 - You have the right to submit a written request within seven (7) days to the **Magistrate Court of _____ County** for a hearing to show cause why you refused to submit to or complete evidentiary testing and why your driver's license should not be suspended.
 - If you do not request a hearing or do not prevail at the hearing, the court will sustain the civil penalty and your license will be suspended with absolutely no driving privileges for one (1) year if this is your first refusal; and two (2) years if this is your second refusal within ten (10) years.
- If you take and fail the evidentiary test(s) pursuant to Section 18-8002A, Idaho Code:
 - I will serve you with this **NOTICE OF SUSPENSION** that becomes effective thirty (30) days from the **date of service** on this notice suspending your driver's license or driving privileges. If this is your first failure of an evidentiary test within the last five (5) years, your driver's license or driving privileges will be suspended for ninety (90) days with absolutely no driving privileges of any kind during the first thirty (30) days. You may request restricted non-commercial driving privileges for the remaining sixty (60) days of the suspension. Restricted driving privileges will not allow you to operate a commercial motor vehicle. If this is not your first failure of an evidentiary test within the last five (5) years, your driver's license or driving privileges will be suspended for one (1) year with absolutely no driving privileges of any kind during that period.
 - You have the right to an administrative hearing on the suspension before the **Idaho Transportation Department** to show cause why you failed the evidentiary test and why your driver's license should not be suspended. The request must be made in writing and received by the department within seven (7) calendar days from the **date of service** of this **NOTICE OF SUSPENSION**. You also have the right to judicial review of the Hearing Officer's decision.
- If you become enrolled in and are a participant in good standing in a drug court approved by the supreme court drug court and mental health court coordinating committee under the provisions of chapter 56, title 19, Idaho Code, you shall be eligible for restricted non-commercial driving privileges for the purpose of getting to and from work, school or an alcohol treatment program, which may be granted by the presiding judge of the drug court, provided that you have served a period of absolute suspension of driving privileges of at least forty-five (45) days, that an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by you and that you have shown proof of financial responsibility.

NOTICE OF SUSPENSION If you have failed the evidentiary test(s), your driving privileges are hereby suspended per #3 above, commencing thirty (30) days from the date of service of this notice. If a blood or urine test was administered, the department may serve a *Notice of Suspension* upon receipt of the test results.

Date of Service:

This Suspension for Failure or Refusal of the Evidentiary Test(s) is separate from any other Suspension ordered by the Court. Please refer to the back of this Suspension Notice for more information.

Signature of Reporting Officer

Print Name and I.D. Number of Reporting Officer

Agency Code

Telephone Number

Department use only

Failure: ☐ Breath ☐ Urine/Blood ☐ Refusal

White Copy - If failure - to ITD; if refusal - to Court

Yellow Copy - to Law Enforcement

Pink Copy - to Court

Goldenrod Copy - to Driver

Suspension Information: The audio version of the Suspension Advisory substantially conforms to the written text of the Suspension Advisory.

For Refusal of Evidentiary Testing (Pursuant to Section 18-8002, Idaho Code)

You have the right to submit a written request within seven (7) days to the Magistrate Court indicated on the face of this notice for a hearing to show cause why you refused to submit to or complete evidentiary testing. This is your opportunity to show cause why you refused to submit or failed to complete evidentiary testing and why your driver's license should not be suspended. **Note: A hearing request for refusing evidentiary testing must be submitted to the Magistrate Court.**

If you fail to request a hearing or do not prevail at the hearing, you are subject to a \$250 civil penalty and the court will suspend your driver's license and/or driving privileges with absolutely no driving privileges for one (1) year for your first offense, or for two (2) years for your second offense within ten (10) years (unless you meet the provisions of paragraph 4 as noted in the Suspension Advisory on the reverse side).

For Failing Evidentiary Testing (Pursuant to Section 18-8002A, Idaho Code)

You have been served this *Notice of Suspension* by a peace officer who had reasonable grounds to believe that you were operating a vehicle while intoxicated. After submitting to the test(s), you may, when practicable, have additional tests conducted at your own expense.

If you take the evidentiary test(s) and the results indicate an alcohol concentration of .08 or greater (.02 or greater if you are under 21 years of age), or the presence of drugs or other intoxicating substances in violation of the provisions of Sections 18-8004, 18-8004C, and 18-8006, Idaho Code, the peace officer shall:

1. Serve you with this *Notice of Suspension*, which becomes effective thirty (30) days after the date of service indicated on the reverse side of this notice. Failure of an evidentiary test will result in a ninety (90) day suspension of driving privileges, with absolutely no driving privileges during the first thirty (30) days of suspension. You may request restricted driving privileges during the final sixty (60) days of the suspension. If this is not your first failure of an evidentiary test within the last five (5) years, all of your driving privileges will be suspended for one (1) year with absolutely no driving privileges of any kind (unless you meet the provisions of paragraph 4 as noted in the Suspension Advisory on the reverse side).
2. If you were operating or in physical control of a commercial vehicle and the evidentiary test results indicate an alcohol concentration of:
 - A. .04 to less than .08, your commercial driving privileges will be suspended for ninety (90) days. You will have absolutely no commercial driving privileges of any kind.
 - B. .08 or greater (.02 or greater if you are under 21 years of age), or test results that indicate the presence of drugs or other intoxicating substances, all of your driving privileges will be suspended for ninety (90) days, with possible non-commercial driving privileges for the final sixty (60) days of the suspension. You will have absolutely no commercial driving privileges of any kind during the full ninety (90) day suspension.
 - C. If this is not your first failure of an evidentiary test within the last five (5) years, all of your driving privileges will be suspended for one (1) year and you will have absolutely no driving privileges of any kind (unless you meet the provisions of paragraph 4 as noted in the Suspension Advisory on the reverse side).

Hearing Request for Failure of Evidentiary Test

You have the right to request an administrative hearing on the suspension **before the Idaho Transportation Department**. Your request must be made in writing and be received by the department **no later than seven (7) calendar days after the date of service of this Notice of Suspension**. The request **must state the issues intended to be raised at the hearing**, and must include your name, date of birth, driver's license number, date of arrest, and daytime telephone number because the hearing will be held by telephone. The burden of proof, by preponderance of evidence, shall be upon the driver as to the issues raised in the hearing, pursuant to Section 18-8002A(7), Idaho Code.

If you request a hearing, it shall be held within twenty (20) days of the date the hearing request was received by the Idaho Transportation Department (Section 18-8002A, Idaho Code). **If you do not request an administrative hearing within seven (7) days of service of this Notice of Suspension, your right to contest the suspension is waived. This suspension is separate and apart from any suspension that may be ordered by the court as a result of any criminal charges that may be brought against you.**

Judicial Review

You may appeal the decision of the Hearing Officer by seeking judicial review to the District Court (Section 18-8002A, Idaho Code). Your appeal must be filed as a civil proceeding in the District Court, pursuant to Chapter 52, Title 67, Idaho Code.

Restricted Driving Permits

If your driving privileges are suspended for a period of ninety (90) days pursuant to Section 18-8002A, Idaho Code, you may request restricted driving privileges for the final sixty (60) days of the suspension (IDAPA Rule 39.02.70.) Restricted driving privileges will not allow you to operate a commercial motor vehicle. You may make your written request for restricted driving privileges at any time after the service of this *Notice of Suspension*.

Reinstatement Requirements

Before being reinstated on this suspension, you will be required to pay a reinstatement fee. Any other suspension imposed by the court for this offense will require an additional reinstatement fee.

To request an administrative hearing or apply for a restricted driving permit relating to an administrative license suspension for failing evidentiary testing:

- Make your request in writing, including a daytime telephone number, to the Idaho Transportation Department, Driver Services Section, PO Box 7129, Boise ID 83707-1129, or
- Fax your request to Driver Services at (208) 332-4124, or
- Email your request to DriverRecords@itd.idaho.gov

If you have questions or need additional information regarding this notice or your driving privileges, call Driver Services at (208) 334-8735.

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF BINGHAM
MAGISTRATE DIVISION

STATE OF IDAHO

Plaintiff,

vs.

Defendant

Case No: CV-_____

I, _____, request a hearing on my refusal to submit to a
Blood Alcohol Chemical (BAC) test.

I understand this is a civil proceeding. If the Court appoints a Public Defender to represent
me in any criminal proceedings against me, I further understand the Public Defender is not
obligated to represent me for the refusal hearing.

Dated this _____ day of _____ 20 ____ .

Defendant

Yo, _____, pido una audiencia sobre mi rehúso de someterme a un
análisis de concentración de alcohol (BAC).

Yo, comprendo que esto es un proceso civil. Si la corte me da un abogado para que me represente, en
mi caso criminal, comprendo que no es obligación de que me represente en el caso civil.

Fecha, _____ de _____ de 20 _____.

Firma de Demandado

Hearing date: _____

This hearing must be held within 30 days of the date on your refusal form,
do you waive this time limit? YES ____ NO ____

Seventh Judicial District Court, State of Idaho
In and For the County of Bingham
501 N Maple

Blackfoot, Idaho 83221-1700

IN THE MATTER OF THE LICENSE(S) SUSPENSION)
OF:)
)
)
)
)
)
)

Licensee.

Case No: CV-2011-0002223

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby set for:

BAC Refusal Hearing Tuesday, November 15, 2011 03:30 PM
Judge: Ryan W. Boyer
Courtroom: Magistrate

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date: Tuesday, October 18, 2011.

Mailed _____ Hand Delivered _____

SUBJECT

Dated: Tuesday, October 18, 2011
Sara Staub
Clerk Of The District Court

By: _____
Deputy Clerk